

## 901.105-3

will be preceded with a 9 or a 90. Material which supplements the FAR will be assigned the numbers 70 and up.

[61 FR 41704, Aug. 9, 1996. Redesignated and amended at 76 FR 7689, Feb. 11, 2011]

### 901.105-3 Copies.

Copies of the DEAR published in the FEDERAL REGISTER or Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402 or viewed on line at <http://ecfr.gpoaccess.gov> or at <http://management.energy.gov/DEAR>.

[61 FR 41704, Aug. 9, 1996. Redesignated and amended at 76 FR 7689, Feb. 11, 2011]

### 901.106 OMB approval under the Paperwork Reduction Act.

The Office of Management and Budget (OMB) control number for the collection of information under 48 CFR chapter 9 is 1910-4100.

[76 FR 7689, Feb. 11, 2011]

## Subpart 901.3—Agency Acquisition Regulations

### 901.301.70 Other issuances related to acquisition.

(a) In addition to the FAR and DEAR, there are other issuances which deal with acquisition. Among these are the Federal Property Management Regulation, the Federal Management Regulation, the DOE Property Management Regulation, and DOE Directives. The Department also maintains the DOE Acquisition Guide (“the Guide”), which has procedural guidance for the acquisition community. The DOE Acquisition Guide serves this purpose by identifying relevant internal standard operating procedures to be followed by both procurement and program personnel who are involved in various aspects of the acquisition process. The Guide also is intended to be a repository of best practices found throughout the agency that reflect specific illustrations of techniques which might be helpful to all readers. The Guide is at [http://management.energy.gov/policy\\_guidance/Acquisition\\_Guide.htm](http://management.energy.gov/policy_guidance/Acquisition_Guide.htm).

[76 FR 7689, Feb. 11, 2011]

## 48 CFR Ch. 9 (10-1-11 Edition)

## Subpart 901.6—Career Development, Contracting Authority, and Responsibilities

### 901.601 General.

(a) Contracting authority for DOE vests in the Secretary of Energy, and for NNSA in the Administrator.

(1) The Secretary has delegated this authority to the DOE Senior Procurement Executive. The DOE Senior Procurement Executive has redelegated this authority to the DOE Heads of Contracting Activities (HCA). These delegations are formal written delegations containing specific dollar limitations and conditions. Each DOE HCA, in turn, makes formal contracting officer appointments for its contracting activity.

(2) Contracting authority for NNSA vests in the Under Secretary for Nuclear Security, also known as the NNSA Administrator. The NNSA Administrator has delegated this authority, with specific dollar limitations and conditions to the NNSA Senior Procurement Executive. The NNSA Senior Procurement Executive has redelegated this authority to the NNSA Head of the Contracting Activities (HCA). Each NNSA HCA in turn makes formal contracting officer appointments for its contracting activity.

(b) The Senior Procurement Executives have been authorized, without power of redelegation, to perform the functions set forth at 48 CFR 1.601(b) regarding the assignment of contracting functions and responsibilities to another agency, and the creation of joint or combined offices with another agency to exercise acquisition functions and responsibilities.

[76 FR 7689, Feb. 11, 2011]

### 901.602-3 Ratification of unauthorized commitments.

(b)(2) The Senior Procurement Executives are authorized to ratify unauthorized commitments.

(3) The ratification authority of the DOE and NNSA Senior Procurement Executives in paragraph (b)(2) of this section is delegated to the Head of the Contracting Activity (HCA) for individual unauthorized commitments of

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\$25,000 or under. The ratification authority of the HCA is nondelegable.

[61 FR 41704, Aug. 9, 1996, as amended at 76 FR 7689, Feb. 11, 2011]

### **901.603 Selection, appointment, and termination of appointment.**

#### **901.603–1 General.**

The DOE Order 361.1B, Acquisition Career Management Program, or its successor order, sets forth the requirements and responsibilities for the DOE and NNSA Acquisition Career Development Program.

[76 FR 7689, Feb. 11, 2011]

### **901.603–70 Appointment of contracting officers and contracting officer's representatives.**

See the DOE Order 541.1B, Appointment of Contracting Officers and Contracting Officer Representatives, or its successor order, for procedures on the appointment of contracting officers and contracting officer's representatives.

[76 FR 7689, Feb. 11, 2011]

## **PART 902—DEFINITIONS OF WORDS AND TERMS**

### **Subpart 902.1—Definitions**

Sec.

902.101 Definitions.

### **Subpart 902.2—Definitions Clause**

902.201 Contract clause.

AUTHORITY: 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

SOURCE: 76 FR 7690, Feb. 11, 2011, unless otherwise noted.

### **Subpart 902.1—Definitions**

#### **902.101 Definitions.**

*Agency Head* or *Head of the Agency* means—

(1) For the Department of Energy (DOE)—

- (i) The Secretary;
- (ii) The Deputy Secretary; or
- (iii) Under Secretaries of the Department of Energy.

(2) For the National Nuclear Security Administration (NNSA) the Adminis-

trator, also known as the Under Secretary of Nuclear Security.

*Department of Energy (DOE)* means, as used in the DEAR, the Department of Energy and includes the National Nuclear Security Administration (NNSA), unless otherwise specified.

*Senior Procurement Executive* means for the Department of Energy, the Director, Office of Procurement and Assistance Management and for the National Nuclear Security Administration, the Director, Office of Acquisition and Supply Management.

## **Subpart 902.2—Definitions Clause**

### **902.201 Contract clause.**

Insert the clause at 952.202–1, Definitions, in solicitation and contracts that exceed the simplified acquisition threshold.

## **PART 903—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

### **Subpart 903.1—Safeguards**

Sec.

903.101 Standards of conduct.

903.101–3 Agency regulations.

903.104–1 Definitions.

903.104–7 Violations or possible violations (DOE coverage—paragraph (a)).

### **Subpart 903.2—Contractor Gratuities to Government Personnel**

903.203 Reporting suspected violations of the Gratuities clause.

903.204 Treatment of violations.

### **Subpart 903.3—Reports of Suspected Antitrust Violations**

903.303 Reporting suspected antitrust violations.

### **Subpart 903.4—Contingent Fees**

903.405 Misrepresentations or violations of the Covenant Against Contingent Fees.